

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARTHA ZEPEDA OLIVARES, et al.,

Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:23-cv-01575-JLT-SAB

ORDER VACATING DECEMBER 13, 2023
HEARING AND DENYING WITHOUT
PREJUDICE PLAINTIFFS' COMPEL
NONPARTY'S COMPLIANCE WITH
SUBPOENA AND RELATED REQUEST
FOR SANCTIONS

(ECF No. 15)

On November 22, 2023, Plaintiffs filed a motion to compel compliance with a subpoena served on nonparty Maria Sosa on November 11, 2023 and related request for monetary sanctions. (ECF No. 15.) Plaintiffs set a hearing before the assigned Magistrate Judge for December 13, 2023. (*Id.*) Plaintiffs specifically acknowledged they would comply with Eastern District Local Rule 251 by completing the ongoing meet and confer process and, no later than 14 days before the noticed hearing date of December 13, 2023, file the joint statement of discovery dispute required by Local Rule 251(c). (*Id.* at 2.)

Pursuant to Local Rule 251, a hearing on any discovery motion pursuant to Federal Rules of Civil Procedure 26 through 37 and 45 requires the joint statement regarding the discovery disagreement or an affidavit to be filed at least fourteen (14) days before the scheduled hearing date. L.R. 251(a). If the moving party "is unable, after a good faith effort, to secure the cooperation of counsel for the opposing party in arranging the required conference, or in

1 preparing and executing the required joint statement, counsel for that party may file and serve an
2 affidavit” containing specific information. L.R. 251(d). If a joint statement or affidavit is not
3 timely filed, the hearing may be dropped from the calendar without prejudice. Id.

4 The deadline to file the joint statement or an affidavit was November 29, 2023. Because
5 no joint statement or affidavit was filed by the deadline, the Court shall vacate the hearing on
6 Plaintiffs’ motion and deny the motion without prejudice to the Plaintiffs refiling.

7 Accordingly, pursuant to Local Rule 251(a), IT IS HEREBY ORDERED that the hearing
8 on Plaintiffs’ motion to compel compliance with a subpoena served on nonparty Maria Sosa and
9 related request for monetary sanctions, set for December 13, 2023, at 10:00 a.m. in Courtroom 9,
10 (ECF No. 15), is VACATED, and the motion is DENIED without prejudice to the Plaintiffs
11 refiling the motion.

12 IT IS SO ORDERED.

13 Dated: November 30, 2023

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UNITED STATES MAGISTRATE JUDGE